

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**DAVID ALLEN WINGARD**

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**CRIMINAL NO. 12-00023-KD**

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, in the Indictment in the above-entitled case, the United States sought forfeiture of property which represented drug proceeds, and/or property used to facilitate drug transactions of defendant **DAVID ALLEN WINGARD**, pursuant to Title 21, United States Code, Section 841;

AND WHEREAS, based upon the Indictment, and the blind plea entered on March 15, 2012, and for the reasons stated, it is hereby;

ORDERED, ADJUDGED AND DECREED, that pursuant to Title 21, United States Code, Sections 853, and Federal Rule of Criminal Procedure 32.2(b), the interest of the defendant, **DAVID ALLEN WINGARD** in the property identified as follows is hereby condemned and forfeited to the United States for disposition according to law:

- (1) Twenty-two thousand and 00/100 dollars (\$22,000.00) in U.S. currency; and**
- (2) Four hundred thirty-three and 00/100 dollars (\$433.00) in U.S. currency.**

AND WHEREAS, by virtue of said guilty plea, the United States is now entitled to, pending possible appeal herein, reduce the said property to its possession and notify any and all potential third parties who have or may have an interest in the forfeited property, pursuant to

Title 21, United States Code, Section 853 and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

NOW THEREFORE, IT IS HEREBY **ORDERED, ADJUDGED AND DECREED:**

That based on the guilty plea, and Fed.R.Crim.P 32.2(b)(3), and pursuant to the defendants' consent, all right, title and interest of defendant, **DAVID ALLEN WINGARD**, in the above-described property is hereby forfeited to and vested in the United States of America for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(n).

That the aforementioned property is authorized to be held by the United States Marshals Service in their secure custody and control.

Pursuant to 21 U.S.C. § 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States must also provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of

Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n)(2) for the filing of third-party petitions.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of execution and shall be made part of the sentence included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

The Clerk of the Court shall forward three (3) certified copies of this Order to Assistant U.S. Attorney Michele C. O'Brien, U.S. Attorney's Office, Southern District of Alabama.

DATED this 16<sup>th</sup> day of ~~March~~<sup>April</sup>, 2012.

s/Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE